

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION- COLUMBUS**

|  |   |                                      |
|--|---|--------------------------------------|
| CHRISTOPHER LOCKHART                   | ) |                                      |
| 108 Leisure Drive                      | ) |                                      |
| Pickerington, OH 43147                 | ) |                                      |
|  | ) |                                      |
| Plaintiff,                             | ) | No. 2:10-cv-630                      |
|  | ) |                                      |
| vs.                                    | ) | JURY DEMAND ENDORSED HEREON          |
|  | ) |                                      |
| ACCOUNTS RECEIVABLE                    | ) |                                      |
| MANAGEMENT                             | ) | VERIFIED CIVIL COMPLAINT             |
| 1125 Kelly Johnson Boulevard suite 302 | ) | (Unlawful Debt Collection Practices) |
| Colorado Springs, CO 80920             | ) |                                      |
|  | ) |                                      |
|  | ) |                                      |
| Defendant.                             | ) |                                      |

**VERIFIED COMPLAINT**

CHRISTOPHER LOCKHART (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against ACCOUNTS RECEIVABLE MANAGEMENT (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1337* grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant conducts business in the State of Ohio, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

#### **PARTIES**

5. Plaintiff is a natural person residing in City of Pickerington, County of Fairfield, Ohio.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to collect a consumer debt from Plaintiff.
8. Defendant is a national corporation with its headquarters in Colorado Springs, Colorado.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### **FACTUAL ALLEGATIONS**

10. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Multiple representatives of Defendant including Ms. Jones and Anna Lyn leave Plaintiff voicemail messages and request Plaintiff call back on: 866-932-6794 (see Exhibit A).
12. Defendant places collection calls to Plaintiff at his place of employment.
13. Plaintiff informed Defendant that he cannot receive telephone calls at work and to stop calling.
14. Despite this, Defendant continues to place collection calls to Plaintiff at his place of employment.
15. Defendant fails to disclose in all communication that the call is coming from a debt collector (see Exhibit A).

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

(STATE OF OHIO)

Plaintiff, CHRISTOPHER LOCKHART,, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, CHRISTOPHER LOCKHART,, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 6/21/2010

  
CHRISTOPHER LOCKHART,  
Plaintiff

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,**  
**(FDCPA), 15 U.S.C. § 1692 et seq.**

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(1) of the FDCPA by calling Plaintiff at his place of employment, a place known to be inconvenient to Plaintiff.
- b. Defendant violated §1692c(3) of the FDCPA by calling Plaintiff at his place of employment despite being informed that Plaintiff cannot receive calls at work.
- c. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff.
- d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- e. Defendant violated §1692e(10) of the FDCPA by engaging in deceptive means to attempt to collect a debt by calling Plaintiff at his place of employment despite being informed that Plaintiff cannot receive calls at work.
- f. Defendant violated §1692e(11) of the FDCPA by failing to disclose in all communications that the communication is from a debt collector.

**WHEREFORE**, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

17. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk  
Peter Cozmyk,  
Attorney for Plaintiff

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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, CHRISTOPHER LOCKHART, hereby demands trial by jury in this action.

**EXHIBIT A**